

REMARKS**Status of claims**

Claims 114, 116, and 118-124 have been canceled without prejudice or disclaimer. Claim 89 has been amended herein. The amendment to claim 61 is made to further clarify the subject matter of the claim, the amendment to claim 62 corrects an informality, and the amendment to claim 89 is made merely to correct an inconsistency in the claim language. These amendments are not intended to narrow the scope of the claims. Claims 94, 96, 97, 126, and 127 are allowed. Claims 49-62, 65-74, 85-89, 91-94, 96-99, 101, 105, 106, 108, 109, 111, 113, 126 and 127 are in the case.

The rejection of claim 89 under 35 U.S.C. §112, second paragraph is overcome.

Claim 89 has been amended to remove the language "outwardly bowed" thus obviating the rejection.

The Hamel patent can in no way be said to teach or suggest the claimed inventions, and all rejections over Hamel should therefore be withdrawn.

The Action states that Hamel has all the claimed details less the short extension of the storage area, meaning Applicants assume, that the storage areas shown in Hamel extend into the cargo area well past the wheel wells. Applicants agree that the Hamel patent does not include any storage area that extends into the cargo area no further than the wheel wells and in fact, teaches away from each of the claims of the pending application by showing only storage areas that extend into the cargo area well beyond the width of the wheel wells, thus reducing the effective floor space in the cargo area. Applicants traverse, however, the characterization of Hamel in the Action at page 3, wherein is stated that the "outward bow to the side panels can be clearly seen in Figures 2 and 3, extending from the roof." Applicants find only straight lines,

indicating flat panels in Figures 2 and 3 of Hamel. The Examiner is invited to compare Figures 2 and 3 of Hamel with Figures 8 and 20 of the present application, which clearly show the outwardly bowed side panels from a similar perspective. In contrast, no contour or outward bow is seen in any of the side panels behind the cab in the Hamel reference. The Hamel reference, therefore, completely lacks at least one element of all the pending claims. Applicants respectfully request that all rejections under 35 U.S.C. §102 over Hamel be withdrawn.

The secondary references, Powers and Douglass, Jr. add nothing to the disclosure of Hamel that would in any way suggest the inventions of the present claims.

The Action further rejects the claims as obvious over Hamel in view of Powers or Douglass, Jr. None of the cited references, however, contains any description of a vehicle that contains a storage compartment within the areas bounded by the side panels without either substantially altering the external appearance of the vehicle or impinging on the useful space in the cargo area between the wheel wells. Neither do any of these references suggest that the vehicles they describe might be altered in any way to include such a storage system. Hamel and Powers are, in fact, design patents, and thus contain no teachings other than the specific designs in their respective drawings.

The inclusion of these secondary references in an obviousness rejection is merely an attempt to reconstruct the invention of individual claims through hindsight, by picking single elements from each reference and trying to combine them in a way that reaches the subject matter of the claims. The Action does not point to any motivation or suggestion contained within the prior art references to combine their teachings because there is none. Douglass Jr. describes a storage area that extends well outboard of the wheel well and thus does not describe the inventions of any of the present claims, nor does it contain any suggestion that its described

vehicle might be altered to contain a smaller storage area confined to the width of the wheel well. Such a description would, in fact, be contrary to the purpose of the Douglass Jr. invention, which is to provide a wide, low profile tool box for pickups. The Action makes no attempt to explain how such a low profile, outboard extending storage area is combinable with the van shown in Hamel. The references are therefore not combinable to form a conclusion of legal obviousness and the Examiner has presented no *prima facie* case of obviousness based on these references. Applicants respectfully request, therefore, that all rejections based on Hamel combined with Powers or Douglass, Jr. be withdrawn.

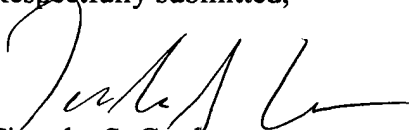
None of the remaining secondary references, Gallagher et al., Itoh, or Shelby, Jr. cure the deficiencies of the Hamel reference, but rather the Action again picks single elements from these references in an attempt to reconstruct certain dependent claims. Applicants submit, therefore, that the cited references do not anticipate the claims, there is no motivation to combine any of the cited references, and if there were, the combination would not render any of the claims obvious. The Examiner is respectfully requested, therefore, to withdraw all rejections over the cited art.

CONCLUSION

The foregoing is intended to be a complete response to the Office Action. Applicants respectfully submit that, from the foregoing observations and arguments, the claims are in condition for allowance. Such favorable action is respectfully requested. If the Examiner should have questions or comments regarding this response, a telephone call to the undersigned at 512-542-8446 is welcomed.

PATENT

Respectfully submitted,



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Date: January 9, 2003

A marked up version of the claims as amended:

61. (Five times amended) A vehicle having a forward compartment for carrying a driver, and including at least one forward side door [into] providing access to the forward compartment, and an enclosure for passengers, merchandise or equipment wherein the enclosure is disposed to the rear of the driver compartment, and further wherein the enclosure is bounded by exterior, contoured side panels and a rear, including at least one rear door, and optionally at least one rear side door, and wherein each side panel has a lower perimeter that includes a curve to accommodate a wheel well adjacent each side panel;

the vehicle comprising at least one storage area disposed between [the] a rear-most one of said side doors and the rear of the vehicle, and adjacent at least one exterior, contoured side panel and extending into the enclosure of the vehicle no further than the wheel well extends into the enclosure, and wherein the side panel adjacent the storage area includes a hinged section effective to provide an opening from the exterior of the vehicle into the storage area, and further wherein the separation width and cross sectional contour of the side panels of the enclosure is substantially the same as the separation width and cross-sectional contour of the forward compartment where it adjoins the side panels of the enclosure.

62. (Amended) The [storage system] vehicle of Claim 61, wherein the storage system is located intermediate the driver compartment and the rear door.

89. (Amended) The vehicle of Claim 85, wherein the vehicle includes at least one hinged section in each of the [outwardly bowed] side panels and at least one storage area located adjacent the hinged sections.